

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIE SAMPSON,

Petitioner,

v.

PERRY RUSSELL, *et al.*,

Respondents.

Case No. 3:20-cv-00615-MMD-WGC

ORDER

In this habeas corpus action, the Court appointed counsel for Petitioner, Willie Sampson, and counsel appeared for Sampson. (ECF Nos. 3, 5.) Petitioner was then due to file an amended habeas petition by March 4, 2021. (ECF No. 6.)

On March 2, 2021, Petitioner filed a motion for extension of time (ECF No. 13), requesting a 209-day extension of time, to September 29, 2021, to file his amended petition. This would be the first extension of this deadline. Petitioner's counsel states that the limitations period does not expire in this case until September 29, 2021, and he seeks this extension of time in order to take full advantage of the time available to him under the statute of limitations. Petitioner's counsel also states that he was only recently assigned this case and must familiarize himself with the extensive record before drafting an amended petition. The Court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and there is good cause for the extension of time. The Court will grant the motion for extension of time.

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1 In granting this motion for extension of time, the Court expresses no opinion
2 regarding the date on which the limitations period will expire, and the Court intends this
3 Order to have no affect upon the operation of the statute of limitations in this case.

4 Petitioner's counsel suggests that, given the length of this extension of time, the
5 Court may wish to stay this action pending the filing of the amended petition, and this
6 suggestion is well taken. With this extension of time, the case would sit open, inactive,
7 and without an operative pleading, for more than six months between the date of entry of
8 this Order and the due date for the amended petition. The Court will, therefore, stay the
9 action until Petitioner is ready to file the amended petition. When Petitioner is ready to file
10 the amended petition, he must file a motion to lift the stay along with the amended petition.

11 It is therefore ordered that Petitioner's motion for extension of time (ECF No. 13)
12 is granted. Petitioner will have until and including September 29, 2021, to file his amended
13 habeas petition. In all other respects, the schedule for further proceedings set forth in the
14 order entered December 4, 2020 (ECF No. 6) will remain in effect.

15 It is further ordered that this action is stayed pending the filing of the amended
16 habeas petition. Petitioner will have until and including September 29, 2021, to file a
17 motion to lift the stay. Petitioner or Respondents may move to lift the stay, and seek any
18 relief appropriate under the circumstances, at any time prior to the September 29, 2021
19 due date for such motion.

20 It is further ordered that Petitioner's motion for appointment of counsel filed on
21 December 4, 2021 (ECF No. 8) is denied as moot, as counsel has been appointed.

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23 DATED THIS 3rd Day of March 2021.

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27 MIRANDA M. DU
28 CHIEF UNITED STATES DISTRICT JUDGE